THE HON'BLE SRI JUSTICE

C.V.RAMULU

W.P.No.8108 of 1997

Dated:24.1.2007

Between
A.Kondala Rao

.....Petitioner

and

Regional Manager, APSRTC,
Khammam

...Respondent

THE HON'BLE SRI JUSTICE

C.V.RAMULU

W.P.No.8108 of 1997

ORDER:

This writ petition is filed seeking to call for the records relating to the proceedings No.HC/E2/E1/199(1)/88-RM:KMM dated 28.11.1996 on the file of the respondent and quash the same as arbitrary and illegal.

It is the case of the petitioner that though there is categorical direction in the earlier writ petition filed by him in W.P.No.20063 of 1996 dated 9.10.1996 to consider his case for absorption as conductor as a displaced person due to nationalization of the routes, the same was rejected.

It is stated in the impugned proceedings that five candidates were

already absorbed (three conductors and two drivers), and the claim of the petitioner for appointment was rejected due to non-availability of vacancies.

While admitting the writ petition, this Court passed interim order directing the respondents to consider the case of the petitioner for appointment as conductor and give him posting orders forthwith.

A detailed counter affidavit has been filed by the 4th respondent wherein it is stated that the Bus No.TNT 2800 plied on the route Bhadrachalam-Kunawaram and the same was nationalized in the year 1988. In response to the notification issued calling for applications, 4 drivers and 7 conductors including the petitioner have applied. The Selection Committee verified all the material evidence and selected five persons *vide* its proceedings dated 5.1.1989. Further, it is stated that

the averment of the petitioner that one of the persons, who was selected, was found to be medically unfit is not correct. In total, 5 candidates were selected against the said vehicle and there are no vacancies available for being considered against the said bus. In pursuance of the interim orders passed by this Court in the present writ petition on 22.4.1997 the petitioner's case was considered again and the same was rejected.

From the above, it is seen that all the five vacancies arising out of the displaced Bus TNT No.2800 were already filled up, therefore, the case of the petitioner was rejected and against the rejection proceedings, the present writ petition is filed. In fact, pursuant to the interim orders passed by this Court, again the matter was taken up by the RTC and rejected the petitioner's case.

Under those circumstances, it cannot

be said that the impugned order passed by the respondent-APSRTC is arbitrary and illegal. No interference is called for by this Court under Article 226 of the Constitution of India. Writ petition is devoid of merits and is liable to be dismissed.

Writ petition is dismissed accordingly. No costs.

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24-01-2007

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